

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #: <u>6/12/06</u>
DATE FILED: <u>6/12/06</u>

ANITA WAXMAN,

Plaintiff,

Case No. 05-CV-10503 (KMK)

-v-

ORDER

THOMAS PUCCIO,

Defendant.

KENNETH M. KARAS, District Judge:

The Court held a pre-motion conference on April 7, 2006 during which Defendant claimed that he had the right to unilaterally opt to have Plaintiff's claims resolved by arbitration. After the conference, the Parties conferred on the issue of the applicability of the arbitration clause but were unable to reach a resolution. Consequently, it is HEREBY ORDERED

Defendant's Motion to Stay or Dismiss the Complaint pursuant to the Federal Arbitration Act shall be served upon opposing counsel on or before July 17, 2006.

Plaintiff's opposition papers are to be served upon opposing counsel on or before August 23, 2006.

Defendant's reply papers are to be served upon opposing counsel on or before September 6, 2006.

Sur-reply papers shall not be accepted or filed unless prior permission of the Court is given.

Any pending deadlines found in the Federal Rules of Civil Procedure or in any applicable statute are hereby stayed until the date the Motion is due.

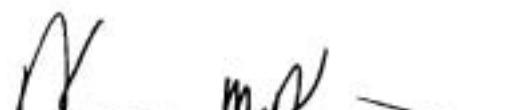
Counsel are reminded that there is a strict page limit, which will only be extended in extreme circumstances.

The movant shall electronically file her motion and reply papers with the Clerk only when the entire Motion is fully briefed. The respondent shall electronically file opposition papers only when advised by the movant that her papers are being filed. Courtesy copies are to be served on the opposing party by the assigned date. Two courtesy copies of all papers also shall be sent to this Court at the time they are served upon opposing counsel.

If oral argument is requested, it may be scheduled by the Court. Please wait to hear from the Court to schedule argument.

SO ORDERED.

Dated: June 9, 2006
New York, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE